

Amendment
Serial No. 09/987,901
Attorney Docket No. 011543

REMARKS

Claims 1-7 are pending in the present application and are rejected. Claims 1-3 and 5-7 are herein amended. New claim 8 is added herein. Support for the amendments and new claim are found at page 1, lines 5-12; page 10, lines 4; and Figures 9-12, 19, 25 and 26.

Applicant's Response to Claim Rejections under 35 U.S.C. §102

Claims 1-4 and 6 were rejected under 35 U.S.C. §102(b) over Branick (USP 3,917,250). Claims 1-4 and 6 were also rejected under 35 U.S.C. §102(b) over Davis, Jr. (USP 3,083,437).

Both **Davis** and **Branick** disclose swing arms having a cylindrical shape. As is apparent from Figure 1 of **Davis**, the swing arm is shaped like a cylinder. With regard to **Branick**, the swing arm is also shaped like a cylinder, since element 60 composing the swing arm 10 is referred to as a "tubular member." Please see column 2, line 49.

Therefore, neither of these swing arms are a "rectangular plate," as recited by independent claims 1, 2 and 6. In addition, neither of the references describes and suggests a device for folding "continuous paper having a perforation" as recited by the claims. For at least the foregoing reasons, Applicants argue that the claims as amended distinguish over the cited art. Favorable reconsideration is respectfully requested.

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Applicant's Response to Claim Rejections under 35 U.S.C. §103

Claims 5 and 7 were rejected under 35 U.S.C. §103(a) over Branick, in view of Martin et al. (USP 5,062,597).

The Office Action argues that claims 5 and 7 are obvious in view of **Branick** and **Martin**. Applicants respectfully submit that **Martin** does not teach or suggested the claimed error detection mechanism and control means for recovering said device from said fold error in the specific manner recited in claim 5. **Martin** describes a vertically movable receiving table 47 that moves down slowly as the pile increases and means for discharging a fully built-up pile (see e.g., column 5, line 53 to column 6, line 45). The vertical movement and control of the receiving table 47 does not involve any response to a detection of a fold error.

Indeed, consideration of a specific detection of a fold error is conspicuously missing from the rejections set forth in the Office Action. Nothing in **Martin** teaches or suggests the present claimed control means for recovering said device from said fold error. For at least these reasons, the present claimed invention of claim 5 patentably distinguishes over the prior art.

In addition, nothing in **Martin** addresses the further features recited in claim 5 for the control means to stop the swinging of the swing arm, as well as the contemporaneous descending of the table through a predetermined distance and then ascending the table back to its original level, upon detection of a fold error.

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Again, **Martin** only describes the vertical movement of the receiving table 47 as the pile increases, and when the pile is fully built-up. This has nothing to do with recovering from a fold error by stopping the swinging of the swing arm, as well as the descending and ascending of the table, as recited in claim 5, that will assist in the recovery from the fold error. For at least these reasons, the present claimed invention of claim 5 patentably distinguishes over the prior art.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicant would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicant's undersigned agent.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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